

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MAURICE WALLS,)	
)	
Movant,)	
)	
v.)	No. 4:15-CV-1505(CEJ)
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

This matter is before the Court on the motion of Maurice Walls to vacate, set aside, or correct sentence, pursuant to 28 U.S.C. § 2255, and the parties' joint motion for relief.

After pleading guilty to being a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1), movant was sentenced under the Armed Career Criminal Act (ACCA), 18 U.S.C. § 924(e), to a 180-month term of imprisonment. His status as an armed career criminal was premised on his three prior Missouri felony convictions for burglary second degree, assault second degree, and unlawful use of a weapon.

Following the decision of the Supreme Court in *Mathis v. United States*, 136 S.Ct. 2243 (2016), burglary second degree under Missouri law is not generic burglary under the ACCA, and is not a predicate offense that may be used to enhance a sentence under the ACCA. See also *Henderson v. United States*, 2016 WL 4967898 at *6 (W.D. Mo. 2016). Thus, movant does not have the requisite number of predicate felony convictions to qualify him as an armed career criminal. Movant is therefore entitled to relief under *Johnson v. United States*, 135 S.Ct. 2551 (2015). The judgment entered on July 6, 2010 will be vacated, and movant will be re-sentenced without application of the ACCA.

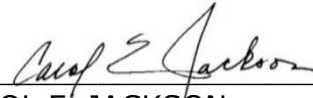
Accordingly,

IT IS HEREBY ORDERED that the motion of Maurice Walls to vacate, set aside, or correct sentence [Doc. # 1] is **granted**.

IT IS FURTHER ORDERED that the joint motion for relief under 28 U.S.C. § 2255 [Doc. # 19] is **granted**.

IT IS FURTHER ORDERED that a copy of this Memorandum and Order shall be filed in the underlying criminal case, United States v. Maurice Walls, No. 4:09-CR-722 (CEJ).

An order vacating the judgment will be entered separately.

A handwritten signature in cursive script, reading "Carol E. Jackson", is written over a horizontal line.

CAROL E. JACKSON
UNITED STATES DISTRICT JUDGE

Dated this 2nd day of March, 2017.